

# RECLAMATION

*Managing Water in the West*

## Finding of No Significant Impact

## Klamath Project Internal Water Transfers

2015-FONSI-007

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# Background

In accordance with Section 102(2)(c) of the *National Environmental Policy Act of 1969* (NEPA), as amended, the Bureau of Reclamation has prepared an Environmental Assessment (EA) for approving water transfers between contractors for lands within the delivery area of the Klamath Project. The proposed action area is located within the existing boundaries of the Project within Klamath County, Oregon and Siskiyou and Modoc, counties, California.

Reclamation policy requires Reclamation's approval for transfers of water within a Reclamation project. Reclamation policy further identifies minimum requirements for the approval of project water transfers. Additionally, the Mid-Pacific Regional Director has delegated his authority to the Area Manager of the Klamath Basin Area Office (KBAO) to approve short-term transfers of Klamath Project water (Reclamation, 1993).

## Alternatives Including the Proposed Action

### No Action Alternative

Under the No Action Alternative, Reclamation would not approve internal water transfers between Project contractors within the Klamath Project. Under the No Action Alternative, some agricultural water users will face shortages in the absence of water transfers. These users may take alternative water supply actions in response to shortages, including increased groundwater pumping and cropland idling. These subsequent actions do not require Reclamation approval and are outside the scope of this EA analysis.

### Proposed Action Alternative

Reclamation is proposing to allow the transfer of available Project water between Project contractors. The sites receiving the transfers of water have been established as irrigated lands pursuant to their contract dates and no new lands or lands outside the Klamath Project would be brought into irrigation as a result of these transfers. Transfers would be limited to the 2015 irrigation season. No additional water would be used than what is currently available to the Klamath Project as described in the *2015 Annual Operations Plan* for the Klamath Project. No new construction or modification of existing facilities would occur in order to complete the Proposed Action. Reclamation's action is administrative in nature and serves to optimize the use of available irrigation supplies for up to approximately 42 percent of Project contractors.

To ensure compliance with Reclamation policy (*PEC P09; Reclamation, 2013*) regarding the minimum requirements for the approval of project water transfers, KBAO would develop and utilize Interim Guidelines similar to those sample guidelines identified in the EA within Appendix A. These guidelines would address all water transfers equitably and provide flexibility to water users in managing

available Project water supplies. The Interim Guidelines would establish the conditions for Reclamation's approval of transfers of Project water under the Proposed Action.

# Findings

Based on the attached environmental assessment (EA), Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The attached EA describes the existing environmental resources in the Proposed Action area and evaluates the effects of the No Action and Proposed Action alternatives on the resources. This EA was prepared in accordance with *National Environmental Policy Act*, *Council on Environmental Quality regulations (40 CFR 1500-1508)*, and *Department of the Interior Regulations (43 CFR Part 46)*. Effects on several environmental resources were examined and found to be absent or minor. That analysis is provided in the attached EA, and the analysis in the EA is hereby incorporated by reference.

## Biological Resources

Based on the lists generated from the U.S. Fish and Wildlife Services Ecological Services' website (USFWS, 2015) on the Federally Listed, Proposed, and Candidate species that may occur within the Proposed Action Area (Klamath County, Oregon and Modoc and Siskiyou counties, California) (Appendix B), it has been determined that the Proposed Action is not expected to have an effect on these species or their habitats as the Proposed Action is administrative in nature and does not change land status or historic water delivery services within or around the Project. The Proposed Action is also not expected to result effects on migratory birds protected under the *Migratory Bird Treaty Act (16 U.S.C. 703-711)* due to administrative nature of the proposed Action.

## Cultural Resources

It has been determined that Reclamation's approval of water transfers using existing facilities with no changes in land use is the type of activity that does not have the potential to effect historic properties. Therefore, Reclamation has no further obligation under *Title 54 U.S.C. § 306108*, commonly known as Section 106 of the *National Historic Preservation Act*, pursuant to *36 C.F.R. § 800.3(a)(1)*.

## Indian Trust Assets

After coordination with the Mid-Pacific Region Native American Affairs Coordinator, it was determined on, that the Proposed Action does not have the potential to impact any Indian Trust Assets within the Klamath Project (Appendix 2).

## Environmental Justice

There are no economically disadvantaged or minority populations within the affected environment that would be subject to disproportionate impacts by the Proposed Action.

# Summary of Environmental Impacts

The environmental analysis indicates that the Proposed Action meets the purpose and need described in the EA with negligible effects to the human environment.

Following are the reasons why the impacts of the proposed action are not significant:

1. The proposed action will not significantly affect public health or safety (*40 CFR 1508.27(b)(3)*).
2. The proposed action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (*Executive Order (EO) 11990*); flood plains (*EO 11988*); national monuments; migratory birds; and other ecologically significant or critical areas (*40 CFR 1508.27(b)(3)* and *43 CFR 46.215(b)*).
3. The proposed action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (*40 CFR 1508.27(b)(5)*).
4. The proposed action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (*40 CFR 1508.27(b)(6)*).
5. There is no potential for the effects to be considered highly controversial (*40 CFR 1508.27(b)(4)*).
6. The proposed action will not have significant cumulative impacts (*40 CFR 1508.27(b)(7)*).
7. The proposed action has no potential to affect historic properties (*40 CFR 1508.27(b)(8)*).
8. The proposed action will not affect listed or proposed threatened or endangered species (*40 CFR 1508.27(b)(9)*).
9. The proposed action will not violate Federal, state, tribal or local law or requirements imposed for the protection of the environment (*40 CFR 1508.27(b)(10)*).
10. The proposed action will not affect any Indian Trust Assets (*512 DM 2, Policy Memorandum dated December 15, 1993*).
11. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (*EO 12898*).

12. The proposed action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (*EO 13007 and 512 DM 3*).